

the club approached them. He stated that they were attacked, he was punched in his face, dragged outside and severely beaten and kicked. He stated that he cannot identify who his assailants are, but recalls hearing someone say "Kill this mutha fucka". He

that he knows that he was assaulted but explained to him that the owners and employees of the club have a lot of money and can

stated that he was recently contacted by an officer name Gary Cha of Mid-town South Precinct, who stated to him

Hospital. He stated that after his release, he realized that he was robbed as well and have been attempting to amend his complaint report to include that allegation but have been unable to get in contact with Police Officer Sallie who took his initial

called the command center and stated that he and his

stated that he was treated and released from Bellevue

They were having a good time when he stated that employees of

2018-4224

Subject Officers:

Probation: No

Probation: Unk

Gary Cha, Tax # 950187, 14th Precinct Date of Appointment: 07/06/2011

Administrative Statue of Limitations Expires:

Sergeant Gloria Felder, Tax # 929519

Lieutenant Kenneth Scianna, Tax # 919692

On Thursday January 19, 2017, at 1650 hours Complainant

was patrons inside of a club called

stated that his friend found him and called for the Police and EMS.

Current Duty Status: Full Duty

Unidentified MOS-MTS
Date of Appointment: Unk

Current Duty Status: Unk

Date Case Received: January 22, 2017

Date of Occurrence: January 15, 2017

July 15, 2018

Classification:

Investigator:

Team Leader:

Log # 2017-2360

Details:

Overall Case Disposition: PARTIALLY-SUBSTANTIATED

C-2

tie up a case in court. He stated that Police Officer Cha strongly encouraged him to drop his complaint and not pursue his complaint/case further, but he feels strongly about not allowing them to get away with the attack. feels that Police Officer Cha maybe very familiar or acquainted with the clubs' owners and this is his reasoning for encouraging him to drop his case. I informed for how he should go about filing another report at the precinct to address his robbery allegation.
Log# 2017-2664 On Saturday January 21, 2017, Complainant stated that he went to Midtown South Pct. and was provided with a phone number, so that he can get an update on his compliant (OMNI check revealed UF61 #2017-014 and on today's date he called the phone number. Complainant states that an unknown MOS answered the phone and advised him that the report was closed due to him not having injuries on the date of the incident. Stated that he felt rushed and explained that he did have injuries and had proof of his injuries from that day. Complainant further states that the unknown MOS stated "we will open it up" and abruptly hung up the phone.
Log #2018-4224 On January 31, 2018, Police Officer Cha received Charges and Specifications for the following: A.Computer Misuse B.Inappropriate preparation of a UF-61 (failed to notify department of an existing UF-61 C.Failure to make Activity Log Entries D.Inappropriate contact between a victim of a crime and complainant of said crime E.Impeding an Investigation F.False/Misleading statements in a PG 206-13 hearing Agency Attorney Joshua Kleiman drafted the Charges and Specifications.
A Callout investigation was conducted by members of Group 12 and closed as a □C□ case to Group 12.
Identification and Interview of Complainant:  Numerous attempts were made to re-interview the complainant , however; he withdrew his complaint, through his attorney, and provided no further details of the event other than his calls to the Command Center.
A background check of
Identification and Interview of Witness:  The following witnesses were interviewed during the course of the investigation:  On February 3, 2018, at approximately 0820 hours, I interviewed as a witness in this case. stated that he was present with when the incident took place. He did not see any altercation inside of the club involving however; he cannot say that nothing happened. He further stated that was dragged outside, chased by a group of people and injured, but he does not know who caused the injuries. He further stated that injuries in this case. Stated that he was present with the case of the club involving the however; he cannot say that nothing happened. He further stated that injuries was dragged outside, chased by a group of people and injured, but he does not know who caused the injuries. He further stated that injuries is the case of the club involving was dragged outside, chased by a group of people and injured, but he does not know who caused the injuries. He further stated that injuries is a companied him to the hospital. At some point, an officer took a report, but he does not know who. In does not know Police Officer Cha and is not aware of any relationship between and Police Officer Cha.
> Male, Asian, 35 Years old, who resides at investigators.
On Thursday March 2, 2017 at 1835 hours. I interviewed witness, at who stated that he was at his work place club located at stated that he observed two (2) unknown male Asians that were intoxicated and causing problems such as throwing water and beer bottles. The two gentlemen were asked to leave the club, but they refused. In furthered stated that one of the individuals hit him in the face with an open hand causing substantial pain and warranted a trip to the hospital for medical treatment. It stated that he cannot identify the individual who assaulted him. He also stated that the two (2) individuals were not regular patrons at the club and they have not returned to the club since that incident.
On Saturday October 14, 2017 at 1925 hours, a second interview was conducted for witness  He was asked when he requested a police report and he stated that it was the day after the incident.  Stated that he was on his way to the precinct when he ran into Police Officer Gary Cha, somewhere in  Korea Town  and Police Officer Cha prepared the police report.  was asked was Police Officer Cha working alone and if so, was he in uniform and stated 'ves'.  was asked if he had called Police Officer Cha before they met up to prepare the police report and he stated 'no'. In previous interview, he stated that the incident occurred inside and the complaint report reads the same.  also stated that no phone calls to or from Police Officer Gary Cha were made prior to the report prepared however; phone records revealed that he did in fact have phone contact 3 hours prior to the complaint report being prepared
>EMT Michael Mignano was interviewed by investigators. On Friday April 7, 2017 at approximately 1200 hours, EMS Mignano stated that he does not recall the incident that occurred on January 15, 2017.
>EMT James Acevedo was interviewed by investigators. On Saturday May 20, 2017 at approximately 0820 hours, EMS James Acevedo stated that he does not recall the incident that

occurred on January 15, 2017.
> Male, Asian, was interviewed by investigators.
On Friday October 13, 2017, an interview was conducted with stated that Police Officer Gary Cha does have his personal cellphone number and he calls him from time to time whenever he wants to reserve a table for him and his friends. He further stated that Police Officer Cha has frequented club for several years. Also stated that Police Officer Cha does not receive free drinks he's is a paying customer who purchases bottles and reserve tables. Also stated that Police Officer Cha was not present at the club the night of the incident nor did he respond there as a sector. He furthered stated that he never observed Police Officer Cha in uniform at the club or outside of the club.
Canvass: A canvass for video was conducted which yielded negative results.  The only cameras they have are outside of the club. She furthered stated she was not sure of how long video recordings are kept on file.
Identification of Subject Officer: > Police Officer Gary Cha was identified by complainant
Review of Department Records:  >Complaint Report 2017-014  Sunday January 15, 2017 at approximately 0330 hours victim  stated that he was involved in a verbal altercation and struck by an unknown perpetrator which caused injuries to the left side of his face. He believes the perpetrator was a staff member of the club Circle.
>Complaint Report 2017-014- Sunday January 15, 2017 stated that an unknown male came into club located at where he works, the defendant was asked to leave the location but refused and start fighting with him. stated that the defendant punched him in the jaw and caused substantial pain.
>Activity Log January 15, 2017 through January 18, 2017. Police Officer Cha performed a 1500x2335 tour and was assigned to lower Broadway. Saturday 1/14/2017- No Complaint Report prepared Sunday 1/15/2017- No Complaint Report prepared Monday 1/16/2017- No Complaint Report prepared Tuesday 1/17/2017- RDO Wednesday 1/18/2017-RDO
Computer and Related Background Checks: Police Officer Gary Cha, Tax # 950187  >Personnel Profile Appointment Date: 07/06/2011 Assignment Date: 06/20/2013 Full Duty Total times Sick: 2 Command roster: Squad C2 Arrest 58 Felonies 13, Violations 4, Misdemeanors 41 No Force Monitoring Evaluation: 2016 4.0, 2015 4.5, 2014 4 Address:  > APro   two (2) incidents One (1) Outside Guidelines, and One (1) Civilian Complaint > CIS   One (1) incident >Central Personnel Index   Four (4) events Two (2) Background checks, one (1) Internal Investigations, (1) Civil Suit >Civilian Complaint Review Board No events
IAB Intelligence Results:  RFI # 17-0226  Agent stated that Police Officer Cha is Korean and he works lower Manhattan which is predominately Korean. The rumor is that he has a lot of friends in the community and he is friends with the bouncers at
Conferrals Conducted:  >Group 41-Detective Torellie stated that there was no KITE history at  >Manhattan South Vice-Detective Taylor stated that there was no history at  >OCID-Detective Caria stated there was no activity at  >Legal Bureau-to obtain subpoena for cellphone records for Police Officer Gary Cha  >Group 2-Detective Rodriguez conducted a financial background resulted in negative results

>Group 7-Sergeant Chan the request for THREADS >Advocate Joshua Kleiman who was assigned to the case and after a thorough investigation recommended Charges & Specifications for Police Officer Cha.
Proactive Measures:  >Surveillances by Group 12  Four (4) surveillances were conducted by members of Group 12 at 357 West 35th Street (MTS Precinct),  and which are the locations the subject officer works and frequently hangout. There were also no misconduct observed by any members of the Department during any of the surveillances. Police Officer Cha was observed entering the vith a group of individuals, after he went EOT. No illegal activity was noted at location.
>Selective Arrest Enforcement by Group 12  On Saturday June 10, 2017 to June 11, 2017 the following summonses was issued regarding a selective Arrest Enforcement operation.  DOB: was issued a summons for Liquor License Conspicuously posted and was issued a summons for Employing Unlicensed security Guard.
Patrol Guide 206-13 Hearings:  >Police Officer Gary Cha was interviewed as a subject officer on September 6, 2017. Police Officer Cha stated that on January 18, 2017, he did in fact called the complainant, because he and have been friends for at least a year. He met through mutual friends and he knows to be the manager at a restaurant located in lower Broadway. Police Officer Cha also stated that he called because he heard that he was assaulted and ejected from He further stated that he made a phone call to one of the managers of was ejected from the club and informed him that was intoxicated and irate towards the staff and that was the reason for his ejection. Police Officer Cha Furthered stated that he did not call to strongly encourage him to drop his complaint, the only reason he called was to find out what happened and his version of events was different than what stated. He also stated that he frequents the from time to time, but has no personal relationship outside of work with any of the owners of mor does he received discounts or preferential treatment there.
Police Officer Gary Cha was interviewed as a subject officer on November 16, 2017, Police Officer Cha stated that on July 15, 2017, he was assigned to a foot post between 29th and 31st street and Broadway. He stated sometime during his tour, the manager of
>Police Officer Gary Cha was interviewed as a subject officer on December 19, 2017. Police Officer Cha stated he did not know anyone by the name of a photo was shown to him of and another Asian male who we believed was Police Officer Cha. Police Officer Cha stated that wasof someone he knows as December 19, 2017 he did in fact texted in regards to reservations for a table at for his girlfriend's birthday which is January 20. He also stated that at no time did he discuss the incident that occurred at the club with Police Officer Cha was ask is A.K.A. Let be cellphone number is and he stated that's correct, that's the number he has in his phone for the was asked if he has the text messages between them both and Police Officer Cha stated that his phone automatically deletes the messages after a certain amount of text. Police Officer Cha stated that hever contacted him in regards to any crimes or complaint reports. Police Officer Cha stated that he head contact with was around the time of the incident (January 15, 2017 through January 19, 2017.) and yes all of the text messages was automatically deleted from his phone.
Supervisory Deficiencies: N/A
Conclusion: The investigation into C-2017-0094 has been concluded and no further investigation is warranted at this time. The Investigation determined that Police Officer Gary Cha did misuse Department computers whereas he accessed and reviewed the On-Line Booking Sheet of and without police necessity. Further, he also admitted to contacting both parties to obtain details of the event for his personal reasons and without official department purposes. He further prepared a Complaint Report and failed to notify the department of an existing Complaint Report against said complainant. Further, Police Officer Cha

provided False/misleading statements during his PG 206-13 hearing and by doing so, impeded the investigation. Charges and Specifications were preferred against Police Officer Cha in regard to his misconduct by Agency Attorney Joshua Kleiman.

In regard to the Unidentified MOS who  $\Box$ Abruptly hung up $\Box$  on the Complaint Report prepared clearly states injuries were sustained and victim was taken to the hospital however; the complainant could not identify anyone and the UF-61 was closed. Complainant provided no assistance in identifying the MOS who answered the phone and cannot provide evidence to substantiate his claim.

It is therefore recommended that the allegations should be disposed of in the following manner.

Subject Officer Finding and Disposition:

Police Officer Gary Cha, Tax # 950187, Midtown South Precinct.

- >Vice Related Incident State Liquor Authority-Other Incident-UNSUBSTANTIATED
- >Additional Information-Prior Log-INFORMATION & INTELLIGENCE
- >Computer Misuse- SUBSTANTIATED (Spec #1)
- >DRV-Other-(Police Officer Cha improperly discussed a police matter with a complainant, Ronald So, without an official
- Department purpose for doing so)-SUBSTANTIATED (Spec #4)
- >Memo Book Incomplete/Improper-SUBSTANTIATED (Spec #3)
- >Official Statement-Misleading Statements-SUBSTANTIATED (Spec #6)
- >Impede Investigation-SUBSTANTIATED (Spec #5)
- >Report Incomplete/Inaccurate (Complaint Report)-SUBSTANTIATED (Spec #2)

Unidentified MOS, Midtown South

>DRV-Other (Abruptly Hung up phone)-UNSUBSTANTIATED

Recommend overall disposition of PARTIALLY-SUBSTANTIATED

Subjects Involv	ved								
Name		Status UNKNOWN UNI MEM OF SERVICE		Sex	Race	Dob			
Allegations									
1 Full Allegation Other Dept Rules/Proced Violation -		Classification Abuse of Dept Regulations	Allegation Index VRP-Violation Rules/Procedures	Allegation Date 01/22/2017	Finding 12 - Unsubstantiated	Finding Date 02/02/2018			
		Comments Unid MOS abruptly hung up on							
Name 950187 GARY CHA POM (014-014 PCT-MIDTOWN SO. PCT)		Status UNIFORM MEMBER OF SERVICE		Sex MALE	Race ASIAN/PAC.ISL	Dob			
Allegations		•		_ <b>-</b>	•				
1 Full Allegation Vice Related (Drugs, Prost Ped, Tow) - S Authority - Ot	Incident , Gamb, state Liquor	Classification State Liquor Authority	Allegation Index O-SLA Other	Allegation Date 01/22/2017	Finding 12 - Unsubstantiated	Finding Date 02/01/2018			
Comments C/V alleges that the subject is involved and protecting the establishment in which assaulted in. The investigation failed to disclose evidence the that Subject was acceptablishments from Police Enforcement.									
2 Full Allegation Additional Information Prior Log -		Classification NOTIFICATION/Additional Information	Allegation Index ADD-Additional Information	Allegation Date 01/22/2017	Finding 04 - Info. and Intelligence	Finding Date 09/07/2017			
		Comments Complainant provided additional details regarding his allegation.							
3 Full Allegation Computer Miss		Classification Abuse of Dept Regulations	Allegation Index COMPMIS- Computer Misuse	Allegation Date 09/07/2017	Finding 07 - Substantiated	Finding Date 02/01/2018			
	Comments  Police Officer Cha, while in the confines of his command, did utilize a Department computer to access Department records which were not related to said Officer's assignment; to wit: said Police								

		Officer Cha accessed the com	plaint of					
4	Full Allegation Other Dept Rules/Procedures Violation -	Classification Abuse of Dept Regulations	Allegation Index VRP-Violation Rules/Procedures	Allegation Date 09/07/2017	Finding 07 - Substantiated	Finding Date 02/01/2018		
		Comments Police Officer Cha improperly official Department purpose for doing Spec #4	·	tter with a com	plainant,	without an		
5	Full Allegation Memobook Incomplete/Improper -	Classification Abuse of Dept Regulations	Allegation Index Administrative Integrity Issue	Allegation Date 02/01/2018	Finding 07 - Substantiated	Finding Date 02/01/2018		
		Comments Police Officer Cha failed to make required entries in his activity log in connection with a Complaint Report he prepared for Spec #3						
6	Full Allegation Impede Investigation -	Classification Abuse of Dept Regulations	Allegation Index VRP-Violation Rules/Procedures	Allegation Date 02/01/2018	Finding 07 - Substantiated	Finding Date 02/01/2018		
		Comments Police Officer Cha impeded an official Department investigation by failing to provide one or more complete and accurate answers at an official Department interview.  Spec #5						
7	Full Allegation Charges & Specifications - IAB	Classification NOTIFICATION/Additional Information	Allegation Index CS-Charges and Specifications	Allegation Date 01/31/2018	Finding 04 - Info. and Intelligence	Finding Date 02/02/2018		
		Comments On January 31, 2018, Charge Agency Attorney Joshua Klein				Gary Cha by		
8	Full Allegation Report Incomplete/Inaccurate - Complaint Report	Classification Abuse of Dept Regulations	Allegation Index IMP-Invest. Incomp./Improper	Allegation Date 02/02/2018	Finding 07 - Substantiated	Finding Date 02/01/2018		
		Comments  Police Officer Cha prepared a Complaint Report for which he knew to be related to a prior Complaint Report without notifying the Department or referencing the prior complaint. Spec #2						
9	Full Allegation Official Statement - Misleading Statement - PG	Classification Perjury/False Statements	Allegation Index GO15-PG 206-13	Allegation Date 02/08/2018	Finding 07 - Substantiated	Finding Date 02/08/2018		
		Comments Police Officer Cha provided m conferred with Beth Douglas a however; he provided multiple the investigation. Spec #6	and it was explained tha	at PO Cha did i	not provide False sta	tements		

## **ATTACHMENT**

1 PDF

'COMPLAINT LETER'

2 PDF

'DISPOSITION LETTER'

3	PDF 'REQUES'	г			
4	PDF 'PREFERF	RED'			
5	PDF 'CHARGE	S & SPECIFICATIONS'			
	Reporting	Rank	Name	Tax Reg. No.	Command

Officer:	Rank SGT	Name FELDER GLORIA		<b>Tax Reg. No.</b> 929519		Command G12-GROUP 12
Reviewing Supervisor:	Manner of Closing C - PARTIALLY SUBSTANTIATED	<b>Date Reviewed</b> 02/14/2018	Date of Next Review	Name SHEA THOMA	S	<b>Supv. Tax No.</b> 899848
Endorser:	Rank LCD	Name SCIANNA KENNETH	<b>Tax Reg. No.</b> 919692	Command G12-GROUP 12	DateTime Reviewed 02/08/2018 14:06	Status Approved
	Comments CONTENTS NOTED. ZONE DI VIERLING CONFERRED PROVIDE FALSE STATEME HIS INTERVIEW IN AN ATT	) WITH BETH DOU ENTS HOWEVER;	GLAS AND IT W HE PROVIDED	MULTIPLE MISL		
Endorser:	Rank DI	Name VIERLING LOUIS	<b>Tax Reg. No.</b> 919823	Command Z01-ZONE 1	DateTime Reviewed 02/08/2018 14:21	<b>Status</b> Rejected
	Comments					
Endorser:	LCD	Name SCIANNA KENNETH	<b>Tax Reg. No.</b> 919692	Command G12-GROUP 12	DateTime Reviewed 02/08/2018 14:58	Status Approved
Endorser:		SCIANNA KENNETH	919692	G12-GROUP	<b>Reviewed</b> 02/08/2018	
Endorser:	LCD Comments	SCIANNA KENNETH	919692	G12-GROUP	<b>Reviewed</b> 02/08/2018	
Endorser:	Comments CONTENTS NOTED, ZONE	SCIANNA KENNETH	919692	G12-GROUP	<b>Reviewed</b> 02/08/2018	
	Comments CONTENTS NOTED, ZONE Rank	SCIANNA KENNETH  #1 STEPS COMP  Name VIERLING LOUIS	919692 LETED  Tax Reg. No. 919823	Command Z01-ZONE 1	Reviewed 02/08/2018 14:58  DateTime Reviewed 02/08/2018 15:01	Approved  Status Approved

			02/14/2018 16:43	
Comments APPROVE CLOSING. ADDIT PO CHA IS BEING FORWAR	 	EQUEST TO ADI	MINISTRATIVELY	TRANSFER